

FILED  
IN CLERKS OFFICE  
2005 DEC 13 A 11:25  
U.S. DISTRICT COURT  
DISTRICT OF MASS.  
**Case No. 1:05 cv 11780 NMG**

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

WESTPORT INSURANCE )  
CORPORATION, )  
 )  
Plaintiff )  
 )  
v. )  
 )  
RICHARD C. HEIDLAGE; KOTIN, )  
CRABTREE AND STRONG, LLP; )  
CHARLES N. ZALIS; and NORTH )  
AMERICAN UNDERWRITING )  
MANAGERS, INC., )  
 )  
Defendants. )

**MOTION FOR ENTRY OF DEFAULT AGAINST  
NORTH AMERICAN UNDERWRITING MANAGERS, INC.**

Westport Insurance Corporation ("Westport"), by its undersigned attorneys, moves pursuant to Fed.R.Civ.P. 55(a), for entry of default against Defendant North American Underwriting Managers, Inc., and in support thereof, states as follows:

1. In this insurance coverage declaratory judgment action filed on August 29, 2005, Westport seeks a declaration of its obligation, if any, to defend and indemnify defendant Ricahard C. Heidlage in an action filed against him by defendants Charles N. Zalis and North American Underwriting Managers, Inc. ("North American"), in the Circuit Court of the 11<sup>th</sup> Judicial Circuit in and for Miami-Dade County, Florida, Case No. 03-011784 CA 30.
2. On September 30, 2005, North American, a dissolved Florida corporation, was served by registered mail with Summons and Complaint through its former registered agent, president and director, Charles N. Zalis, also a plaintiff in the underlying state court action and formerly a defendant in this action. A true and accurate copy of the return of service filed in this Court is attached hereto.

3. North American's responsive pleading was due on October 20, 2005. North American has not filed a responsive pleading, nor has it filed a motion for an extension of time in which to do so.

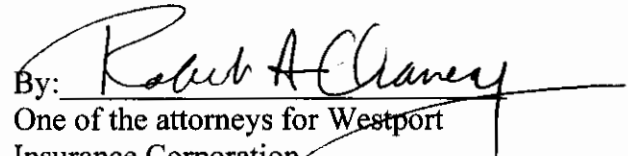
4. North American is represented in the underlying state court action in Florida by Martin L. Nathan, Esq., of Martin L. Nathan, P.A., 444 Brickell Avenue, Suite 1000, Miami, Florida 33131.

5. On November 4, 2005, counsel for Westport sent a letter by facsimile and first class mail to Mr. Nathan to remind him of North American's overdue responsive pleading. Mr. Nathan did not respond to the letter.

6. Accordingly, Westport requests entry of default against North American Underwriting Managers, Inc. pursuant to Fed.R.Civ.P. 55(a).

Respectfully submitted,

Westport Insurance Corporation

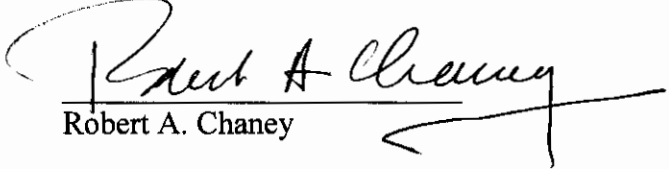
By:   
One of the attorneys for Westport  
Insurance Corporation

Steven J. Bolotin  
BBO #564085  
Morrison Mahoney LLP  
250 summer Street  
Boston, MA 02210  
(617) 439-7500

Jeffrey A. Goldwater  
Robert A. Chaney  
Bollinger, Ruberry & Garvey  
500 W. Madison St., Suite 2300  
Chicago, IL 60661-2511  
(312) 466-8000  
(312) 466-8001 (fax)

**CERTIFICATE OF SERVICE**

I, Robert A. Chaney, certify that on December 12, 2005, the foregoing Motion for Entry of Default Against North American Underwriting Managers, Inc. was served on counsel below by U.S. First Class Mail, postage prepaid.

  
Robert A. Chaney

Richard M. Bluestein  
Krokidas & Bluestein LLP  
600 Atlantic Avenue  
Boston, MA 02210  
(617) 482-7211

Nicholas M. Kelley  
Kotin, Crabtree & Strong, LLP  
One Bowdoin Square  
Boston, MA 02114  
(617) 227-7031

Martin L. Nathan, Esq.  
Martin L. Nathan, P.A.  
444 Brickell Avenue  
Suite 1000  
Miami, Florida 33131

**LONG ARM AFFIDAVIT OF SERVICE OF STEVEN J. BOLOTIN, REGARDING  
SERVICE OF COMPLAINT UPON CHARLES N. ZALIS, AGENT FOR NORTH  
AMERICAN UNDERWRITING MANAGERS, INC.**

I, Steven J. Bolotin, of the law firm of Morrison Mahoney LLP, attorneys for the plaintiff, Westport Insurance Corporation, in the above-captioned action hereby certify, under the pains and penalties of perjury, that I have taken the following steps to serve the defendant, Charles N. Zalis, as Agent for North American Underwriting Managers, Inc., under the provisions of Massachusetts General Laws, c.233A as amended and the Federal Rules of Civil Procedure.

1. On September 28, 2005, I sent a copy of the Complaint and Summons, ("the process") to Mr. Charles N. Zalis, 3603 Bridge Road, Cooper City, FL 33026, via Certified mail, Return Receipt Requested. The letter and return receipts signed by a representative of Charles N. Zalis is attached as Exhibit "A".

2. Therefore, Charles N. Zalis, as agent for North American Underwriting Managers, Inc., has been served, with the summons and complaint, in accordance with the Massachusetts Long Arm Statute and M.R.C.P. 4.

**SIGNED UNDER THE PAINS AND PENALTIES OF PERJURY THIS 5<sup>th</sup> DAY  
OF OCTOBER, 2005.**

  
STEVEN J. BOLOTIN

UNITED STATES DISTRICT COURT

District of MASSACHUSETTS

WESTPORT INSURANCE CORPORATION

SUMMONS IN A CIVIL ACTION

V.

RICHARD C. HEIDLAGE; KOTIN, CRABTREE AND STRONG, LLP;  
CHARLES N. ZALIS, INDIVIDUALLY;  
CHARLES N. ZALIS, IN HIS CAPACITY AS CASE NUMBER:  
GENERAL PARTNER OF THE CHARLES N. ZALIS FAMILY  
LIMITED PARTNERSHIP and  
NORTH AMERICAN UNDERWRITING MANAGERS, INC.

TO: (Name and address of Defendant)

North American Underwriting Managers, Inc.  
3603 Bridge Road  
Cooper City, FL 33026

**05cv11780 NMG**

YOU ARE HEREBY SUMMONED and required to serve on PLAINTIFF'S ATTORNEY (name and address)

Stephen J. Bolotin, Esq.  
Morrison Mahoney LLP  
250 Summer Street  
Boston, MA 02210  
617-439-7500

an answer to the complaint which is served on you with this summons, within twenty (20) days after service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

CLERK

(By) DEPUTY CLERK



9/28/05

DATE

**EXHIBIT A**

## MORRISON MAHONEY LLP

COUNSELLORS AT LAW

Steven J. Bolotin  
Direct Dial: 617-737-8878  
Direct Fax: 617-342-4943  
sболotin@morrisonmahoney.com

250 SUMMER STREET  
BOSTON, MASSACHUSETTS 02210-1181  
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MASSACHUSETTS  
BOSTON  
FALL RIVER  
SPRINGFIELD  
WORCESTER  
RHODE ISLAND  
PROVIDENCE

CONNECTICUT  
HARTFORD  
NEW YORK  
NEW YORK  
NEW JERSEY  
PARLIPPANY  
ENGLAND  
LONDON

September 28, 2005

***Certified Mail***  
***Return Receipt Requested***  
***No. 7000 1670 0011 7515 5280***

Charles N. Zalis  
3603 Bridge Road  
Cooper City, FL 33026

Re: Westport Insurance Corporation  
Vs: Richard C. Heidlage, Koltin, Crabtree and Strong, LLP, Charles N. Zais, Individually and  
as General Partner of Charles N. Zalis Family Limited Partnership and North American  
Underwriting Managers, Inc.  
Our File: 10019858

Déar Mr. Zalis:

Pursuant to the provisions of Massachusetts General Laws, Chapter 223A, et seq., and the applicable provisions of Fed. R. Civ. P. 4(e), enclosed herewith please find a copy of a Summons together with a copy of the Complaint and Civil Cover Sheet which has been duly filed in the United States District Court, District of Massachusetts concerning the above-captioned case.

Please take notice that in accordance with this Summons and service of process, you have twenty (20) days after receipt of this Summons and Complaint, exclusive of the day you receive same, within which to file your Answer to this Complaint.

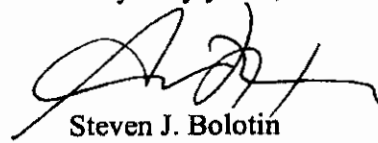
This service of process is made in conjunction with the Long-Arm Statute for service upon out of state defendants.

**MORRISON MAHONEY LLP**

September 28, 2005  
Page 2

In order that you may be properly protected in this action, please refer this matter to the immediate attention of your legal representative.

Very truly yours,

A handwritten signature in black ink, appearing to be 'S. Bolotin', written over the typed name.

Steven J. Bolotin

SJB:sw  
Enclosure



SENDER'S USE ONLY	
<p>■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</p> <p>■ Print your name and address on the reverse so that we can return the card to you.</p> <p>■ Attach this card to the back of the mailpiece, or on the front if space permits.</p>	<p>A. Received by (Please Print Clearly) <u>[Signature]</u> Date of Delivery <u>9-30-05</u></p> <p>C. Signature <u>[Signature]</u> <input type="checkbox"/> Agent <input checked="" type="checkbox"/> Addressee</p> <p>X <u>[Signature]</u></p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If YES, enter delivery address below:</p>
<p>1. Article Addressed to:</p> <p>Charles N Zalis 3603 Bridge Road Cooper City, FL 33024</p> <p>DEFENSE OCT 04 2005</p>	<p>3. Service Type</p> <p><input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p>
<p>2. Article Number (Transfer from service label)</p> <p>By <u>7000167000175155280</u></p>	<p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>

PS Form 3811, March 2001 Domestic Return Receipt 102595-01-M-1424